

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRETT T. CULVER,

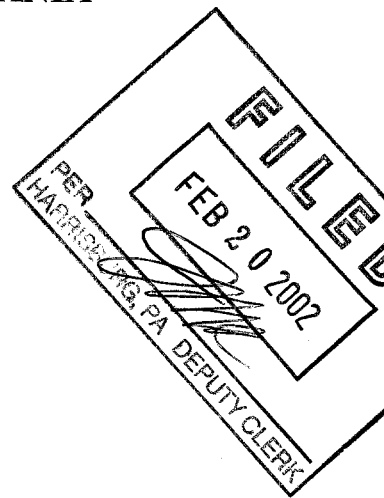
Plaintiff

v.

T.E. MIKNICH, et al.,

Defendants

No. 1:01-CV-0904  
(Judge Kane)



**DEFENDANTS' ANSWER**

Defendants, Thomas E. Miknich, Robert D. Shannon, Carol M. Dotter, Linda Chismar, Vincent Mooney, Kevin Kane, Martin Horn, and Jeffrey Beard, by their attorneys, hereby answer the complaint as follows:

**FIRST DEFENSE**

**I. JURISDICTION**

1. This paragraph contains conclusions of law to which **NO RESPONSE** is required.

**II. PLAINTIFF**

2. **ADMITTED.**

### **III. DEFENDANTS**

3. It is **ADMITTED** that Thomas E. Miknich is employed as a Corrections officer at SCI-Mahanoy, Robert Shannon is the Superintendent at SCI-Mahanoy. Carol Dotter is the Grievance Coordinator at SCI-Mahanoy, Linda Chismar is a Unit Manager at SCI-Mahanoy, Kevin Kane is a hearing examiner assigned to SCI-Mahanoy, Vincent Mooney is the captain of security at SCI-Mahanoy, Martin Horn is the former secretary of the Department of Corrections, and that Jeffrey Beard is the current Secretary of the Department of Corrections. The remaining allegation in this paragraph contains a conclusion of law to which **NO RESPONSE** is required.

### **IV. STATEMENT OF CLAIM**

1-6. **DENIED.**

7. This paragraph contains conclusions of law to which **NO RESPONSE** is required. To the extent it is deemed factual, it is **DENIED.**

8. **DENIED.**

9. This paragraph contains conclusions of law to which no response is required. To the extent it is deemed factual, it is **DENIED.**

10-12. **DENIED.**

13. This paragraph contains conclusions of law to which **NO RESPONSE** is required. To the extent it is deemed factual, it is **DENIED.**

14. **DENIED.**

15. This paragraph contains conclusions of law to which **NO RESPONSE** is required. To the extent it is deemed factual, it is **DENIED.**

16. **DENIED.**

17. This paragraph contains conclusions of law to which **NO RESPONSE** is required. To the extent it is deemed factual, it is **DENIED.**

18-20. **DENIED.**

21. This paragraph contains conclusions of law to which **NO RESPONSE** is required. To the extent it is deemed factual, it is **DENIED.**

22. After a reasonable investigation, defendants are without sufficient knowledge or information to form a belief as to who plaintiff is referring to in this paragraph; therefore, this paragraph is **DENIED.**

23. **ADMITTED** in part and **DENIED** in part. It is **ADMITTED** that Martin Horn is the former Secretary to the Pennsylvania Department of Corrections. The remaining allegations in this paragraph contain conclusion of law to which **NO RESPONSE** is required, are **DENIED.** To the extent it is deemed factual, it is **DENIED.**

26. **DENIED.**

**SECOND DEFENSE**

The complaint fails to state a claim for which relief can be granted.

**THIRD DEFENSE**

At no time have the defendants, either individually or in concert with others, deprived or sought to deprive plaintiff of any rights, privileges or immunities secured to him by the Constitution or laws of the United States.

**FOURTH DEFENSE**


At all material times, defendants acted with a reasonable good faith belief in the lawfulness of their actions and are entitled to immunity.

**FIFTH DEFENSE**

Plaintiff is entitled to no relief, whether compensatory, declarative, injunctive, punitive or otherwise.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By:   
**MARYANNE M. LEWIS**  
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**DATE: February 20, 2002**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BRETT T. CULVER,**

**Plaintiff**

**v.**

**T.E. MIKNICH, et al.,**

**Defendants**


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**No. 1:01-CV-0904  
(Judge Kane)**

**CERTIFICATE OF SERVICE**

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Defendants' Answer, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver, DD-3483  
SCI - Mahanoy  
301 Morea Rd.  
Frackville, Pa 17931

  
**MARYANNE M. LEWIS**  
**DEPUTY ATTORNEY GENERAL**

**DATE: February 20, 2002**